

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ANTHONY S. NORMAN,

Plaintiff,

v.

9:09-cv-0511

SERGEANT WEST, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

Anthony S. Norman
Plaintiff, *pro se*

Hon. Andrew M. Cuomo
Attorney General for the State of New York
The Capitol
Albany, NY 12224
Counsel for Defendants

Adele M. Taylor-Scott, Esq.

Norman A. Mordue, Chief U. S. District Judge

AMENDED ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 20th day of July 2010. Following fourteen days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.

2. The Defendants' motion to dismiss for failure to state a claim (Dkt. No. 26) is granted with prejudice as to the claims against defendants West and Schiff and with leave to amend the claims against defendants Volpe and Barse, and the Clerk shall enter judgment accordingly.

3. Any amended complaint filed as against defendants Volpe and Barse, shall be filed no later than September 30, 2010.

4. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: September 8, 2010
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge